

SENATE BILL REPORT

SB 6066

As of February 26, 2007

Title: An act relating to the training of and collective bargaining over the training of care providers.

Brief Description: Addressing the training of and collective bargaining over the training of care providers.

Sponsors: Senators Kohl-Welles, Kline, Franklin, Kauffman and Roach.

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 2/20/07.

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Staff: Sherry McNamara (786-7402)

Background: Individual providers and agency home care workers provide long-term care services to elderly and disabled clients who are eligible for publicly-funded services through the Department of Social and Health Services (DSHS) programs. The workers provide DSHS clients with personal care assistance for various tasks such as toileting, bathing, dressing, ambulating, meal preparation, and household chores.

The workers must meet certain training requirements established by law and by DSHS adopted rules. These training requirements include:

- a two-hour orientation which provides basic introductory information appropriate to the in-home setting and the population served within 14 days of employment;
- twenty-eight hours of basic training as to the core knowledge and skills needed to provide personal care services effectively and safely within 120 days of employment;
- ten hours annually of continuing education designed to increase and keep current a person's knowledge and skills; and
- a four-hour safety course for individual providers only.

Collective bargaining for individual providers determines wages, benefits, and working conditions. The Governor must submit a request for funds necessary to implement the collective bargaining agreement or binding interest arbitration award. The Legislature must approve or reject the submission of the request for funds as a whole.

Vendor payment rates are established in the biennial operating budget for agency home care workers. A formula established by DSHS converts the cost of compensation increases

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negotiated and funded for individual providers into an hourly amount that is added to vendor rates for agency home care providers.

Summary of Bill: Bill as referred to committee not considered.

Summary of Proposed Substitute: Beginning January 1, 2009, DSHS must require all persons who are long-term care workers for the elderly or persons with disabilities to obtain 85 hours of entry level training which includes:

- two hours of orientation training;
- three hours of safety training; and
- eighty hours of long-term care competencies training.

DSHS is required to offer 65 hours of advanced and specialty training. DSHS may develop a review process waiving some or all mandatory training requirements for a person who already possesses a health care degree, is a registered nurse, is a certified nursing assistant, or has other significant experience and training.

Effective January 1, 2009, DSHS must require all providers of long-term care services to obtain 12 hours of continuing education training in advanced and specialty training. Beginning in 2010, the DSHS must require that all providers of long-term care services be offered on-the-job training or peer mentorship of at least one hour a week for the first 120 days of work.

DSHS must adopt rules by January 1, 2009, establishing a certified home care aide designation. After completing at least 85 hours of training, the worker is eligible to take the test to be certified as a home care aide.

DSHS is required to deny payment to any provider of long-term care services whose employees do not complete the training requirements and obtain certification as a home care aide within six months of being hired.

Training must be provided by a joint labor-management partnership or trust selected by the certified exclusive bargaining representative representing at least 20,000 employees. Employer contributions to the entity are a mandatory subject of the collective bargaining agreement.

The Governor must submit a request for funds necessary to implement the training contribution provisions of a collective bargaining agreement to the Legislature.

The cost of meeting the training requirements in this act is added to the factors considered by interest arbitration panels. The Secretary of the Department of Health may allow some of the training hours earned under this chapter to apply toward certification as a nursing assistant.

Appropriation: None.

Fiscal Note: Requested on February 19, 2007.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: There are limitations to the current training such as: the training covers too much material in too little time and is not grounded in the realities of caregiving work today; the training does not give caregivers the tools they need to meet their clients individualized needs; and the training does not prepare workers to care for a client base with increasingly complex and challenging conditions. The bill contains a mentorship element which will have experienced workers working with inexperienced workers and providing them with the help and information they need to care for clients. Caregivers have to seek out their own training to meet the challenges that face them. This bill would ask the state to provide the necessary training and make caregivers better.

CON: The bill is primarily written for Individual Providers (IPs) who currently have a much higher training requirement. The penalty section in the legislation is quite severe as it would stop Medicaid checks when it will be difficult to ensure that caregivers will meet the training requirements within six months. There isn't any state data or information about any problems that exist with the current training that was implemented in 2002, especially in boarding homes. Boarding homes have inspections every 15 months and are doing a good job of meeting the clients' needs. The quality of the training should be addressed rather than the quantity. Language barriers could exacerbate the problem of finding persons who will be caregivers. Adult Family Home caregivers should be exempted from this legislation.

OTHER: The current training requirements are sufficient. With an additional 11 hours of training, caregivers could be certified as nursing assistants. This legislation reduces flexibility to address individual caregiving situations and diminishes choices and access to care.

Persons Testifying: PRO: Patti Weaver, Eagle Healthcare; Ingrid McDonald, Para Professional Healthcare Institute; Suzanne Wall, Service Employees International Union (SEIU) Local 775; Linda Lee, individual provider; Ron Ralph, parent.

CON: Dan Simnian, Washington State Residential Care Council; Vicky McNeally, Washington Health Care Association; Anne Koepsell, Washington State Hospice and Palliative Care Organization.

OTHER: Blanche Jones, Gentiva Home Health and Home Care.